

January 6, 2004

LOIS AND LEW ANDRUS
8982 FERNCLIFF AVENUE
BAINBRIDGE ISLAND WA 98110

Subject: Complaint filed against Bainbridge Concerned Citizens-PDC Case No. 04-280

Dear Mr. & Mrs. Andrus:

The Public Disclosure Commission staff has completed its investigation of your complaint received on October 10, 2003, alleging that the Bainbridge Concerned Citizens (BCC) violated RCW 42.17 by failing to register and report as a political committee supporting candidates for public office.

Your complaint was reviewed in light of the following statutes:

RCW 42.17.020(33) defines a political committee as any person soliciting or accepting contributions with the expectation of using those funds to make expenditures that support or oppose candidates or ballot propositions.

RCW 42.17.040 requires any political committee that has solicited or accepted contributions with the expectation of using those funds to make expenditures that support or oppose candidates or ballot propositions to register and report their activities.

You alleged that the BCC "engaged in political committee activity, which requires registration and reporting of campaign finance activity." In addition, you also alleged that Gary Tripp, Director of the BCC, formed a separate political committee "Open Letter to Michael Pollock" whose activities should have been included as part of the reporting by BCC.

We found that:

- BCC organized more than a year ago with the Internal Revenue Service as a non-profit organization, in response to the City of Bainbridge Island's proposed changes to the Shoreline Management Program.
- BCC collects funds from citizens, organizations and other sources, and has used those resources to produce and distribute flyers, newsletters and email communications, and six research papers regarding the City of Bainbridge Island's proposed changes to the Shoreline Management Program.

- BCC did not make any monetary or in-kind contributions to any candidate, and did not endorse any candidate for public office including those candidates for Bainbridge Island City Council.
- BCC was involved in a 2003 Primary Election Candidates Forum that was co-sponsored with the local Chamber of Commerce. BCC was also involved with two additional General Election candidate forums. BCC indicated they submitted only one question during the debates, with the rest of the questions being asked from the audience, the moderator, or other sponsors.
- Documentation was submitted by BCC and reviewed by PDC staff detailing activities that indicated BCC was lobbying the Bainbridge Island City Council members, the Mayor and other city officials, mostly related to the Shoreline Management Program. Lobbying efforts directed at the local level are outside the jurisdiction of the PDC.
- On October 9, 2003, Gary Tripp filed a Committee Registration Statement (PDC Form C-1pc) registering the Open Letter to Michael Pollock as a political committee. The Open Letter to Michael Pollock committee selected the mini reporting option, and was not required to file any additional campaign finance reports.

Based on the information submitted in the complaint and the numerous documents provided by BCC, we found no evidence that BCC used any of its resources or funding to support or oppose candidates for public office, nor did it solicit funds with the expectation of supporting or opposing candidates or ballot propositions. We also found no evidence that BCC funds were expended to assist the Open Letter to Michael Pollock committee.

Thus, after a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against the Bainbridge Concerned Citizens.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie
Executive Director

c: Bainbridge Concerned Citizens